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09/752,214	12/28/2000	Christopher O. Jaynes	JAYC101	9086

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EXAMINER	
PEREZ, JULIO R	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/752,214	JAYNES ET AL.	
	Examiner	Art Unit	
	Julio R Perez	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Showghi et al. (6473739).

Regarding claim 1, Showghi et al. disclose an object specific information relaying system, which comprises: one or more beacon devices, each associated with a physical object, for sending a signal which contains information relevant to said physical object (col. 2, lines 1-67, the system provided by Showghi comprises base stations corresponding to beacon placed in different location at different venues), said beacon device comprising; a power source (col. 2, lines 45-67, the remote ordering system is capable of acquiring power from the venues' power sources); a transmit signal receiver for receiving a transmit signal, which initiates transmission of a response signal with said response signal comprising a beacon identification signal (col. 2, lines 56-67; col.

4, lines 1-24, remote processing stations are located at different places at the venues and provide means to transmit and receive communications to and from the hand-held wireless communication devices); a response signal transmitter, for transmitting said response signal (col. 2, lines 56-67; col. 4, lines 1-24, 49-65; Figs. 2-3, remote ordering processing stations are scattered around the venues to respond with information about orders transmitted by the hand-held devices, which required item information); one or more use held information receiving devices (col. 4, lines 50-54), which comprises; a transmit signal transmission unit, for sending a transmit signal to said beacon device which initiates transmission of a response signal from said beacon device (col. 4, lines 49-65; col. 5, lines 40-67; col. 6, lines 1-16, the system comprises the handheld devices to communicate with transaction processing server centers located around the venues, which, indeed, provide responses back to the handheld devices about information requested by the handheld units); a response signal receiving unit for receiving said response signal with first information relevant to said physical object namely said beacon identification signal (col. 3, lines 56-67; col. 45, lines 14-29; col. 6, lines 27-38; Fig. 2, the handheld unit receives signal information from the venue fulfillment center and order processing computer located within the venue); a display device for displaying said information relevant to said physical object (col. 54, lines 66-67; col. 6, lines 1-17; Figs. 3-4, the wireless unit possesses a display to visualize the orders prior to making a decision on acquiring a desired item); an internet accessing unit built into said information receiving device, for sending an access signal to a system server and downloading information relevant to said physical object as a result of said access

signal having been sent (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld, being a PDA, is able to relate information to and from the web as it communicates via the order fulfillment center within the venue); and a system server which receives said access signal, and associates said access signal with a preselected website associated with said beacon identification number, and directs said internet accessing unit to retrieve information from said preselected website (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld may directed to a third provider party, such as a banking entity to validate payment; hence, providing the system with the ability to communicate information via the Internet).

Regarding claim 4, Showghi et al. disclose the object specific information relaying system, in which said Internet information is downloaded upon the receipt of said transmit signal (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, internet services may be transmitted to the handheld units).

Regarding claim 5, Showghi et al. disclose the object specific information relaying system, in which said beacon device includes memory means for storing Internet information prior to transmitting said Internet information (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the venue center server and processing computers posses memory).

Regarding claim 6, Showghi et al. disclose, in which said Internet information is periodically downloaded at preselected intervals, and stored in said memory means for later transmission (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, information may downloaded to the venue center server and processing computers).

Regarding claim 7, Showghi et al. disclose, in which said information-receiving device further comprises a memory means for storing information received by transmission (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the wireless device is capable of storing information for use).

Regarding claim 8, Showghi et al. disclose, in which said display of information is for displaying text based information (col.5, lines 66-67; col. 6, lines 1-17, the wireless units possess display means).

Regarding claim 9, Showghi et al. disclose in which said display of information, is in the form of audio information (col.5, lines 66-67; col. 6, lines 1-17, information may be related to the user audibly).

Regarding claim 10, Showghi et al. disclose, in which said display of information is in the fonn of graphical based information (col.5, lines 66-67; col. 6, lines 1-17; figs. 3-4, 8, graphical information is related to the user).

Regarding claim 11, Showghi et al. disclose, in which said display of information is in the form of a combined media presentation (col.5, lines 66-67; col. 6, lines 1-17; Figs. 3-4, 8).

Regarding claim 12, Showghi et al. disclose, in which said display of information is interactive with a use, and further exchanges of information from said information receiving device and said internet website is enabled (col. 4, lines 49-58; col. 5, lines 30-39, 66-67; col. 7, lines 1-17, 44-56; Figs. 3-4, 8).

Regarding claim 13, Showghi et al. disclose, in which said signal-receiving device is handheld computing device (col. 4, lines 49-58; col. 5, lines 66-67; col. 6, lines 1-16).

Regarding claim 14, Showghi et al. disclose, in which said signal-receiving device is a personal computer (col. 4, lines 49-58; col. 5, lines 66-67; col. 6, lines 1-16).

Regarding claim 15, Showghi et al. disclose, in which said signal is transmitted as an infrared signal (col. 6, lines 2-16).

Regarding claim 16, Showghi et al. disclose, in which said signal is transmitted as a cell phone technology signal (col. 4, lines 49-58; col. 5, lines 66-67; col. 6, lines 1-16, RF transmission may be used).

Regarding claim 17, Showghi et al. disclose in which said signal is an optical signal (col. 4, lines 49-58; col. 5, lines 66-67; col. 6, lines 1-16, further, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that the signals to transmit and receive information may via RF or optical as well).

Regarding claim 18, Showghi et al. disclose the object specific information relaying system; in which said beacon device power source is a battery (col. 2, lines 45-67, the remote ordering system is capable of acquiring power from the venues' power sources).

Regarding claim 19, Showghi et al. disclose, in which said beacon device power source is a solar cell (col. 2, lines 45-67, the remote ordering system is capable of acquiring power from the venues' power sources or external power).

Regarding claim 20, Showghi et al. disclose, in which said response signal is a code which authorizes access by said internet access unit to a website (col. 5, lines 30-39, authorization is provided prior to use of a service).

Regarding claim 21, Showghi et al. disclose, in said web site enables a transfer of funds from a user account to a vendor account (col. 5, lines 30-39; col. 7, lines 44-56; col. 8, lines 35-47, the venue server assures of transaction of payment before issuing services).

Regarding claim 22, Showghi et al. disclose, in which said transfer of funds enables a payment complete signal to be sent to said internet access unit, which upon receipt of said payment complete signal relays said payment complete signal to said beacon device, which enables a vending transaction (col. 5, lines 30-39; col. 7, lines 44-56; col. 8, lines 35-47).

Regarding claim 23, Showghi et al. disclose an object specific information relaying system, which comprises: one or more beacon devices, each associated with a physical object, for sending a signal which contains information relevant to said physical object (col. 2, lines 1-67, the system provided by Showghi comprises base stations corresponding to beacon placed in different location at different venues), said beacon device comprising; a power source (col. 2, lines 45-67, the remote ordering system is capable of acquiring power from the venues' power sources); a transmit signal receiver for receiving a transmit signal, which initiates transmission of an information signal (col. 2, lines 56-67; col. 4, lines 1-24, remote processing stations are located at different places at the venues and provide means to transmit and receive communications to and

from the hand-held wireless communication devices); an internet accessing control logic, for accessing an internet site and downloading internet information from said internet site (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, information may downloaded to the venue center server and processing computers); a memory means for storing internet information prior to transmitting said internet information (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, information may downloaded to the venue center server and processing computers); an information transmitter, for transmitting said internet information in an information signal (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the wireless device is capable of storing information for use); an information receiving device which is a handheld computing device which comprises; a transmit signal transmission unit , for sending a transmit signal which initiates transmission of an information signal (col. 4, lines 49-65; col. 5, lines 40-67; col. 6, lines 1-16, the system comprises the handheld devices to communicate with transaction processing server centers located around the venues, which, indeed, provide responses back to the handheld devices about information requested by the handheld units); an information signal-receiving unit for receiving said information signal with internet information relevant to said physical object (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld, being a PDA, is able to relate information to and from the web as it communicates via the order fulfillment center within the venue); a display device for converting said information signal into a display of information relevant to said physical object (col. 54, lines 66-67; col. 6, lines 1-17; Figs. 3-4, the wireless unit possesses a display to visualize the orders prior to making a decision on acquiring a

desired item); a memory means for storing information received by transmission (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the wireless device is capable of storing information for use).

Regarding claim 24, Showghi et al. disclose an object specific information relaying system, which comprises: one or more beacon devices, each associated with a physical object, for sending a signal which contains information relevant to said physical object, said beacon device comprising; a power source (col. 2, lines 45-67, the remote ordering system is capable of acquiring power from the venues' power sources); a transmit signal receiver for receiving a transmit signal, which initiates transmission of a response signal (col. 2, lines 56-67; col. 4, lines 1-24, remote processing stations are located at different places at the venues and provide means to transmit and receive communications to and from the hand-held wireless communication devices); a response signal transmitter, for transmitting a response signal containing coded information which authorized access to a website (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, information may downloaded to the venue center server and processing computers); an information receiving device which is a handheld computing device which comprises; a transmit signal transmission unit , for sending a transmit signal which initiates transmission of an information signal (col. 4, lines 49-65; col. 5, lines 40-67; col. 6, lines 1-16, the system comprises the handheld devices to communicate with transaction processing server centers located around the venues, which, indeed, provide responses back to the handheld devices about information requested by the handheld units); a response signal-receiving unit for receiving said

response signal from said beacon device (col. 3, lines 56-67; col. 45, lines 14-29; col. 6, lines 27-38; Fig. 2, the handheld unit receives signal information from the venue fulfillment center and order processing computer located within the venue); a display device for display of information relevant to said physical object (col. 54, lines 66-67; col. 6, lines 1-17; Figs. 3-4, the wireless unit possesses a display to visualize the orders prior to making a decision on acquiring a desired item); a memory means for storing information received by transmission (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the wireless device is capable of storing information for use); an internet access unit built into said information receiving device, for sending an access signal to an internet site and downloading information relevant to said physical object as a result of said access signal having been sent (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld, being a PDA, is able to relate information to and from the web as it communicates via the order fulfillment center within the venue); an internet site with information relevant to said physical object, which enables a transfer of funds from a user account to a vendor account upon receipt of said coded information and user authorization (col. 5, lines 30-39; col. 7, lines 44-56; col. 8, lines 35-47, the venue server assures of transaction of payment before issuing services); wherein said transfer of funds enables a payment complete signal to be sent to said internet access unit, which upon receipt of said payment complete signal relays said payment complete signal to said transmission unit, which transmits said payment complete signal to said beacon device, which enables a vending transaction (col. 5, lines 30-39; col. 7, lines 44-56; col. 8, lines 35-47).

Regarding claim 25, Showghi et al. disclose a method of communicating object relevant information which comprises the steps of: mounting one or more beacon devices on one or more physical objects, for sending a signal which contains information relevant to said physical object, said beacon device comprising; a power source (col. 2, lines 45-67, the remote ordering system is capable of acquiring power from the venues' power sources); a transmit signal receiver for receiving a transmit signal, which initiates transmission of an information signal (col. 2, lines 56-67; col. 4, lines 1-24, remote processing stations are located at different places at the venues and provide means to transmit and receive communications to and from the hand-held wireless communication devices); an internet accessing control logic, for accessing an internet site and downloading internet information from said internet site (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, information may downloaded to the venue center server and processing computers); a memory means for storing internet information prior to transmitting said internet information (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the venue center server and processing computers posses memory); an information transmitter, for transmitting said internet information in an information signal (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the wireless device is capable of storing information for use); using one or more information receiving devices to access information from said beacon devices, in which said information receiving devices are handheld computing devices, each of which comprise; a transmit signal transmission unit, for sending a transmit signal which initiates transmission of an information signal (col. 4, lines 49-65; col. 5, lines 40-67; col. 6, lines

1-16, the system comprises the handheld devices to communicate with transaction processing server centers located around the venues, which, indeed, provide responses back to the handheld devices about information requested by the handheld units); an information signal-receiving unit for receiving said information signal with internet information relevant to said physical object (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld, being a PDA, is able to relate information to and from the web as it communicates via the order fulfillment center within the venue); a display device for converting said information signal into a display of information relevant to said physical object (col. 54, lines 66-67; col. 6, lines 1-17; Figs. 3-4, the wireless unit possesses a display to visualize the orders prior to making a decision on acquiring a desired item); a memory means for storing information received by transmission (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-56, the wireless device is capable of storing information for use); wherein the method further includes the steps of; sending a transmit signal from said transmission unit of one or more of said information receiving devices, to said transmit signal receiver of one or more of said beacon devices (col. 4, lines 49-65; col. 5, lines 40-67; col. 6, lines 1-16, the system comprises the handheld devices to communicate with transaction processing server centers located around the venues, which, indeed, provide responses back to the handheld devices about information requested by the handheld units); accessing an internet site and downloading internet information to said one or more beacon devices (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld, being a PDA, is able to relate information to and from the web as it communicates via the order fulfillment center

within the venue); transmitting said internet information in an information signal to said one or more information receiving devices (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld, being a PDA, is able to relate information to and from the web as it communicates via the order fulfillment center within the venue; information is further provided to the wireless units from websites); receiving said information signal in said information receiving devices (col. 4, lines 49-58; col. 5, lines 30-39; col. 7, lines 44-65, the handheld, being a PDA, is able to relate information to and from the web as it communicates via the order fulfillment center within the venue; information is further received by the wireless units from websites); converting said information signal into a display of information (col. 54, lines 66-67; col. 6, lines 1-17; Figs. 3-4, the wireless unit possesses a display to visualize the orders prior to making a decision on acquiring a desired item); and displaying said display of information in one or a combination of text, audio, video, or graphical formats (col.5, lines 66-67; col. 6, lines 1-17, the wireless units possess display means).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to PDA or digital organizers, portable communication devices, and base stations or receiving beacons.

US Pat. No. 6766363 to Rothschild	Linking items in using mobile devices.
US Pat. No. 20010000044 to Lin	Transacting business over a communications network
US PUB. No. 6374245 to Park	Server systems communicating with PDAs
US Pat. No. 6385591 to Mankoff	Electronic organization of coupons
US Pat. No. 6584309 to Whigham	Vending machine purchase via cellular telephone

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
1/3/05

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